

ACT ON PROMOTION AND MANAGEMENT OF FORESTRY TECHNOLOGY

Act No. 15080, Nov. 28, 2017
Amended by Act No. 17319, May 26, 2020
Act No. 18261, jun. 15, 2021
Act No. 19287, Mar. 28, 2023

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to enhance forestry technology and ensure the quality and safety of forest projects by prescribing matters necessary for promoting and managing forestry technology for the purpose of facilitating research and development of forestry technology and systematically managing forest engineers, thereby contributing to the development of the national economy.

Article 2 (Definitions)

The terms used in this Act are defined as follows:

1. The term "forest project" means any project under subparagraph 3 of Article 2 of the Creation and Management of Forest Resources Act;
2. The term "forestry technology" means technology related to any of the following matters:
 - (a) Planning, researching, designing, implementing and supervising a forest project;
 - (b) Inspecting and analyzing the safety of a forest project;
 - (c) Developing and operating forestry machinery and equipment prescribed by Presidential Decree;
 - (d) Other matters related to forest projects as prescribed by Presidential Decree;
3. The term "forest engineer" means a person who has been issued a forest engineer qualification certificate pursuant to Article 9 (2);
4. The term "forestry technology service" means designing and supervising forest projects and analyzing the safety of forest projects by applying forestry technology;
5. The term "forest project implementation" means implementing forest projects other than forestry technology services;

6. The term “forestry technology service provider” means a person registered under Article 15 (1) to provide forestry technology services for business purposes;
7. The term “forest project implementer” means a person who intends to implement a forest project for business purposes, falling under any of the following:
 - (a) A forestry cooperative or the National Forestry Cooperative Federation;
 - (b) A national forest management association referred to in Article 23-2 of the Creation and Management of Forest Resources Act;
 - (c) A forest project corporation registered pursuant to Article 24 of the Creation and Management of Forest Resources Act;
 - (d) A raw timber producer among timber producers registered under Article 24 of the Act on the Sustainable Use of Timbers;
8. The term “contracting authority” means those placing an order for forestry technology services or forest project implementation, including the State, local governments, institutions of which at least 1/2 of paid-in capital has been invested by the State or local governments, or the heads of other institutions or organizations prescribed by Presidential Decree.

CHAPTER II FORMULATION AND IMPLEMENTATION OF FORESTRY TECHNOLOGY PROMOTION PLAN

Article 3 (Formulation of Forestry Technology Promotion Plans)

- (1) The Minister of the Korea Forest Service shall formulate and implement a forestry technology promotion plan (hereinafter referred to as "promotion plan") every five years to facilitate the research and development of forestry technology as prescribed by Presidential Decree.
- (2) A promotion plan shall include the following matters: *<Amended on May 26, 2020>*
 1. Basic goals and implementation directions for forestry technology promotion;
 2. The current status and prospects of forestry technology;
 3. Measures for promoting forestry technology development and facilitating the use of forestry technology;
 4. Matters concerning information management related to forestry technology;
 5. Matters concerning the supply and demand and use of forestry technology personnel and the advancement of their technological capabilities;
 6. Matters concerning the fostering of forestry technology research institutes referred to in Article 4 (3);
 7. Other matters concerning the promotion of forestry technology.
- (3) Notwithstanding paragraph (1), the Minister of the Korea Forest Service may amend a promotion plan when necessary in consideration of the changes in conditions involving forestry technology.
- (4) Matters necessary for formulating, implementing, amending, etc. a promotion plan under paragraphs (1) and (3) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

Article 4 (Forestry Technology Research and Development Projects)

(1) The Minister of the Korea Forest Service may implement research and development projects necessary to advance forestry technology to enhance forestry technology.

(2) Where necessary for the efficient promotion of forest technology research and development projects under paragraph (1), the Minister of the Korea Forest Service may designate an institution or organization with professional personnel and facilities as a specialized institution for enhancing forestry technology development (hereinafter referred to as "specialized institution for forestry technology development") to perform duties of developing forestry technology. *<Amended on Jun. 15, 2021>*

(3) The Minister of the Korea Forest Service may promote joint research using the human resources, funds, test facilities and technology information of public institutions, corporations, organizations or universities related to the research and development of forestry technology (including affiliated research institutes, etc.; hereinafter referred to as "forestry technology research institutes").

(4) The Minister of the Korea Forest Service may subsidize necessary expenses of any specialized institution for forestry technology development or forestry technology research institute within budgetary limits. *<Amended on Jun. 15, 2021>*

(5) Where a specialized institution for forestry technology development fails to meet the criteria for designation under paragraph (8), the Minister of the Korea Forest Service may order such institution to take corrective measures within a fixed period not exceeding six months. *<Newly Inserted on Jun. 15, 2021>*

(6) The Minister of the Korea Forest Service may revoke the designation of a specialized institution for forestry technology development in either of the following cases: Provided, That such designation shall be revoked in the case of subparagraph 1: *<Newly Inserted on Jun. 15, 2021>*

1. Where a specialized institution has obtained the designation by fraud or other improper means;
2. Where a specialized institution fails to comply with a corrective order under paragraph (5).

(7) The Minister of the Korea Forest Service shall not designate a person for whom the designation was revoked under paragraph (6) (in cases of a corporation, including its representative) as a specialized institution for forestry technology development, within one year from the date the designation was revoked. *<Newly Inserted on Jun. 15, 2021>*

(8) Matters necessary for the criteria and procedures for designating a specialized institution for forestry technology development, corrective orders, detailed criteria and procedures for revocation of designation, etc. under paragraphs (2), (5), and (6) shall be prescribed by Presidential Decree. *<Newly Inserted on Jun. 15, 2021>*

Article 5 (Implementation of Pilot Projects)

(1) The Minister of the Korea Forest Service may implement a pilot project for forestry technology where necessary to promote the use and dissemination of forestry technology developed through a forestry technology research and development project under Article 4.

(2) The Minister of the Korea Forest Service may provide necessary support to a forestry technology research institute participating in a pilot project under paragraph (1).

Article 6 (Establishment of Forestry Technology Information System)

(1) The Minister of the Korea Forest Service shall establish and operate an information system concerning forestry technology and forest engineers (hereinafter referred to as “forestry technology information system”).

(2) The forestry technology information system shall include the following matters:

1. The current status of research and development of forestry technology;
2. The information related to the qualifications, etc. of forest engineers;
3. The information related to the work experience, etc. of forest engineers;
4. The registration status of forestry technology service providers;
5. The information related to the performance results of forestry technology services, forest projects, etc.;
6. Matters necessary for the management of forest project implementers;
7. Other matters related to forestry technology and forest engineers as prescribed by Presidential Decree.

(3) The Minister of the Korea Forest Service may, if necessary, provide information included in the forestry technology information system to forest engineers, etc.

(4) The Minister of the Korea Forest Service may request data or information necessary to establish and operate the forestry technology information system from the heads of the relevant institutions such as the relevant central administrative agencies, local governments, and public institutions provided in the Act on the Management of Public Institutions. In such cases, the heads of the relevant institutions in receipt of the request for data or information shall comply with such request unless there is a compelling reason not to do so.

(5) The Minister of the Korea Forest Service may entrust the duties of establishing and operating a forestry technology information system to a corporation, organization, or institution prescribed by Presidential Decree. In such cases, the expenses incurred in entrustment management may be subsidized within budgetary limits.

CHAPTER III FOSTERING FOREST ENGINEERS

Article 7 (Fostering Forest Engineers)

(1) The Minister of the Korea Forest Service may formulate and promote measures for fostering, education, training, etc. of forest engineers where necessary to efficiently use forest engineers and to improve technological capabilities of such engineers.

(2) The forest engineers prescribed by Presidential Decree shall receive education and training conducted by the Minister of the Korea Forest Service as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs to acquire expertise and knowledge necessary to perform duties of forest engineers.

(3) An employer of a forest engineer subject to education and training provided in paragraph (2) shall bear the expenses necessary for the forest engineer to receive the education and training pursuant to paragraph (2), and shall not treat such forest engineer disadvantageously on the ground that he or she is receiving such education and training.

(4) The Minister of the Korea Forest Service may designate as an educational institution any public institution established under the Act on the Management of Public Institutions or any institution or organization related to forestry technology as prescribed by Presidential Decree to foster forest engineers; and may revoke such designation if a designated institution falls under any of the following: Provided, That the designation shall be revoked when the designated institution falls under subparagraph 1:

1. Where a designated institution has been designated by fraud or other improper means;
2. Where a designated institution ceases to meet the designation criteria provided in paragraph (6);
3. Where a designated institution has violated any of the matters prescribed by Presidential Decree to efficiently foster forest engineers.

(5) The Minister of the Korea Forest Service may wholly or partially subsidize the expenses necessary for a forest engineer educational institution designated under paragraph (4) to conduct education and training.

(6) The criteria and procedures for designating a forest engineer educational institution, and the procedures for revoking such designation under paragraph (4), and other necessary matters for fostering forest engineers shall be prescribed by Presidential Decree.

Article 8 (Duties and Qualification Requirements of Forest Engineers)

(1) A forest engineer shall perform the following duties as prescribed by Presidential Decree:

1. Preparing a forest management plan;
2. Designing, executing and supervising a forest project;
3. Constructing and managing forest roads;
4. Installing and managing wooden structures;
5. Performing restoration work following the conversion of a mountainous district or collection of earth or stones pursuant to the Mountainous Districts Management Act;
6. Creating and managing natural recreation forests pursuant to the Forestry Culture and Recreation Act;
7. Conducting erosion control work pursuant to the Erosion Control Work Act.

(2) The types and qualification requirements of forest engineers and other necessary matters shall be prescribed by Presidential Decree.

Article 9 (Issuing Forest Engineer Qualification Certificates)

(1) Where any person meeting the qualification requirements of a forest engineer under Article 8 (2) intends to be issued a forest engineer qualification certificate, such person shall file an application with the Minister of the Korea Forest Service supplemented with the documents prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

(2) The Minister of the Korea Forest Service in receipt of the application under paragraph (1) shall issue a forest engineer qualification certificate to a forest engineer satisfying the qualification requirements under Article 8 (2) and register the details of such issuance in the forestry technology information system.

(3) Matters necessary for issuing or reissuing forest engineer qualification certificates and other necessary matters shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

Article 10 (Issuing Career Certificates of Forest Engineers)

(1) Where a forest engineer or any person meeting the technological capability requirements among the requirements for registering a forest project corporation under Article 24 (1) 2 of the Creation and Management of Forest Resources Act (hereinafter referred to as “forest engineer, etc.”) intends to obtain recognition for his or her career, etc. in the forestry technology service business or forest project implementation business, such forest engineer, etc. shall report to the Minister of the Korea Forest Service the matters prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, including a place of work, work experience, qualification, etc. (hereinafter referred to as “career, etc.”). The foregoing shall also apply to any modification of the reported matters.

(2) The Minister of the Korea Forest Service in receipt of the report referred to in paragraph (1) shall register the details regarding the careers, etc. of the forest engineer, etc. in the forestry technology information system; and shall issue a career certificate to the relevant applicant (hereinafter referred to as “career certificate in forestry technology”) upon application by the forest engineer, etc.

(3) The Minister of the Korea Forest Service may request the relevant data from the relevant central administrative agency, local government, contracting authority, forestry technology service provider, or forest project implementer where necessary to verify the matters reported under paragraph (1). In such cases, the head of the institution in receipt of the request shall comply with such request unless there is a compelling reason not to do so.

(4) When filing a report or a report on modification under paragraph (1), a forest engineer, etc. shall not file a false report with regard to career, etc.

(5) The issuing procedures and management of career certificates in forestry technology of forest engineers, etc. under paragraphs (1) and (2) and other necessary matters shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

Article 11 (Prohibition on Name Lending of Forest Engineers)

(1) A forest engineer is prohibited from permitting another person to engage in the forestry technology service business or forest project implementation business using the name of the forest engineer or from lending the forest engineer qualification certificate to another person.

(2) No person shall use another person's name or borrow another person's forest engineer qualification certificate to engage in the forestry technology service business or forest project implementation business.

(3) No person shall arrange any act prohibited under paragraph (1) or (2).

(4) No forest engineer shall be simultaneously employed by at least two companies required to employ qualified forest engineers to engage in the forestry technology service business, forest project implementation business, etc. *<Amended on May 26, 2020>*

(5) The Minister of the Korea Forest Service may have an employee of the Korea Forest Service (including employees of an institution to which the Minister of the Korea Forest Service has delegated the duties of managing forest engineers) visit a place of business of a current or former employer of a forest engineer to make inquiries of the relevant persons or inspect the books of account or other documents where necessary to investigate whether any violation of paragraphs (1) through (4) has occurred. In such cases, Article 15-3 of the National Technical Qualifications Act shall apply mutatis mutandis to the investigation of the lending of a forest engineer qualification certificate or the arrangement of such lending.

Article 12 (Revocation of Qualification of Forest Engineers)

(1) The Minister of the Korea Forest Service may revoke the qualification of a forest engineer or suspend such qualification for a period of up to three years, where the forest engineer falls under any of the following: Provided, That when the forest engineer falls under subparagraph 1, 3 or 4, the qualification shall be revoked: *<Amended on May 26, 2020>*

1. Where a forest engineer has been qualified by fraud or other improper means;
2. Where a forest engineer has prepared a false document or performed the duties untruthfully by intention or negligence;
3. Where a forest engineer has performed the duties during the period of suspension of qualification;
4. Where a forest engineer has permitted the use of name by another person or lent the qualification certificate to another person in violation of Article 11 (1);
5. Where a forest engineer is simultaneously employed by at least two companies required to employ qualified forest engineers in violation of Article 11 (4);
6. Where a forest engineer has failed to comply with a corrective order legitimately issued by the contracting authority;
7. Where a forest engineer has failed to receive education or training under Article 7 (2) without just cause.

(2) The detailed criteria for the administrative dispositions under paragraph (1) shall be determined by Ordinance of the Ministry of Agriculture, Food and Rural Affairs in consideration of the type, severity,

etc. of violations.

(3) A forest engineer subject to any administrative disposition under paragraph (1) shall without delay return the qualification certificate to the Minister of the Korea Forest Service. In such cases, the Minister of the Korea Forest Service shall amend or delete the records relating to career, etc. or take other necessary measures, and shall register such fact in the forestry technology information system.

(4) A forest engineer whose qualification has been revoked shall not obtain the same qualification as a forest engineer within three years from the date of revocation.

Article 13 (The Korea Forest Engineer Association)

(1) Forest engineers may establish the Korea Forest Engineer Association (hereinafter referred to as the "Engineer Association") by obtaining authorization from the Minister of the Korea Forest Service to promote the welfare of forest engineers and the development of forestry technology and forest projects.

(2) The Engineer Association shall be a corporation.

(3) The expenses incurred in conducting the duties of the Engineer Association shall be covered by membership fees, project expenses, entrustment commissions, etc., and the Minister of the Korea Forest Service may partially subsidize necessary expenses within the budget.

(4) Matters concerning the qualification of members, the executive officers and the duties of the Engineer Association, etc. shall be prescribed by the articles of association; and other matters to be included in the articles of association shall be prescribed by Presidential Decree.

(5) Except as provided in this Act, the provisions pertaining to incorporated association in the Civil Act shall apply mutatis mutandis to the Engineer Association.

CHAPTER IV FORESTRY TECHNOLOGY SERVICE

Article 14 (Fostering Forestry Technology Service Business)

(1) The Minister of the Korea Forest Service may formulate and implement policies for fostering and supporting forestry technology service business where necessary to promote the improvement, sound development and advancement of the technological capability of the forestry technology service business and to promote overseas expansion.

(2) The Minister of the Korea Forest Service may provide the following support to forestry technology service providers to efficiently implement the policies under paragraph (1):

1. Utilizing the outcomes of forestry technology research and development projects referred to in Article 4;
2. Providing information on domestic and foreign human resources related to forestry technology;
3. Providing professional training to forest engineers necessary for overseas expansion;
4. Other matters deemed necessary by the Minister of the Korea Forest Service to develop the forestry technology service business.

Article 15 (Registration of Forestry Technology Service Business)

(1) Any person intending to engage in the forestry technology service business shall file for registration of such business with the Minister of the Korea Forest Service by meeting the following requirements as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs; and in such cases, persons specified in subparagraph 1 (c) or (d) may file for registration of the forestry technology service business, only when such business is related to the forest projects prescribed by Presidential Decree:
<Amended on Jun. 15, 2021>

1. The entity shall be either of:

- (a) A professional engineer who has filed for registration of a professional engineer office in the field of forestry under the Professional Engineers Act;
- (b) An engineering business entity in the specialized field of agriculture under the Engineering Industry Promotion Act;
- (c) A professional engineer who has filed for registration of a professional engineer office in the field of landscape under the Professional Engineers Act;
- (d) An engineering business entity in the specialized field of landscape under the Engineering Industry Promotion Act;
- (e) Other persons prescribed by Presidential Decree;

2. The person shall meet the registration requirements prescribed by Presidential Decree for technological capability, capital, etc.

(2) The Minister of the Korea Forest Service shall issue a registration certificate to a forestry technology service provider as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

(3) A person who intends to conduct a forest project of the type and scale prescribed by Presidential Decree shall undertake the design and supervision of such forest project.

(4) Where a forestry technology service provider intends to modify any important matter prescribed by Presidential Decree or to suspend or close the business, such forestry technology service provider shall report such fact to the Minister of the Korea Forest Service within 30 days from the date of occurrence of the relevant reason as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

(5) No person who has filed for registration of the forestry technology service business under paragraph (1) shall permit another person to use the trade name or name to engage in the forestry technology service business or lend the registration certificate.

(6) No person shall arrange any act prohibited under paragraph (5) or use another person's registration certificate.

(7) The procedures for filing for registration of the forestry technology service business, the criteria and procedures for designing and supervising a forest project, and other necessary matters under paragraphs (1) through (3) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

Article 16 (Grounds for Disqualification)

No person who falls under any of the following shall file for registration pursuant to Article 15 (1):

1. A person declared bankrupt and not yet reinstated;
2. A person in whose case two years have not passed since the registration of forestry technology service business is revoked: Provided, That the foregoing shall not apply where the registration of the forestry technology service business is revoked for falling under subparagraph 1;
3. A person in whose case two years have not passed since his or her imprisonment with labor declared by a court for violating this Act or the Creation and Management of Forest Resources Act was completely executed (including cases where it is deemed completely executed) or exempted;
4. A person who is under suspension of the execution of imprisonment with labor declared by a court for violating this Act or the Creation and Management of Forest Resources Act.

Article 17 (Responsibilities of Forestry Technology Service Providers)

(1) A forestry technology service provider and a forest engineer who provides forestry technology services shall perform the duties conscientiously and legitimately in accordance with the relevant statutes and regulations.

(2) A forestry technology service provider shall design and supervise a forest project in accordance with this Act, orders issued under this Act, or other relevant statutes and regulations.

(3) A person who supervises a forest project (hereinafter referred to as "supervisor") shall request correction or reconstruction by the forest project implementer in any of the following cases:

1. Where any violation of this Act, orders issued under this Act, or other relevant statutes is detected;
2. Where a forest project implementer fails to implement a forestry project according to the design.

(4) A supervisor may demand suspension of a forest project if the forest project implementer fails to perform corrections or reconstructions requested under paragraph (3). In such cases, the forest project implementer requested to suspend the forest project shall immediately suspend the forest project unless there is good cause.

Article 18 (Revocation of Registration of Forestry Technology Service Business)

(1) The Minister of the Korea Forest Service may revoke the registration of forestry technology service business under Article 15 (1) or order the suspension of business operations for a period of up to six months, where a forestry technology service provider falls under any of the following: Provided, That when a forestry technology service provider falls under subparagraph 1, 3, 4, or 5, the registration of forestry technology service business shall be revoked:

1. Where a forestry technology service provider has been registered pursuant to Article 15 (1) by fraud or other improper means;

2. Where a forestry technology service provider ceases to meet the registration requirements under Article 15 (1);
 3. Where a forestry technology service provider has permitted another person to use the trade name or name to engage in the forestry technology service business or lent the registration certificate in violation of Article 15 (5);
 4. Where a forestry technology service provider has arranged any prohibited act or used the registration certificate of another person in violation of Article 15 (6);
 5. Where a forestry technology service provider has continued to operate forestry technology service business during the period of suspension of business operations.
- (2) The Minister of the Korea Forest Service may cancel the registration of a forestry technology service provider if the forestry technology service provider fails to report pursuant to Article 15 (4) even though registration has been revoked or business operation has been suspended or closed pursuant to paragraph (1).
- (3) Any person whose registration is revoked pursuant to paragraph (1) shall return the registration certificate within seven days from the date of receiving a notice on the final decision to revoke the registration.
- (4) Where the Minister of the Korea Forest Service needs to order a suspension of business operations pursuant to paragraph (1) 2, he or she may impose a penalty surcharge not exceeding 30 million won in lieu of the disposition of suspension of business operations. *<Newly Inserted on Mar. 28, 2023>*
- (5) Where a person liable to pay a penalty surcharge under paragraph (4) fails to pay the penalty surcharge by the payment deadline, the Minister of the Korea Forest Service shall collect it in the same manner as delinquent national taxes are collected. *<Newly Inserted on Mar. 28, 2023>*
- (6) A forestry technology service provider subject to the revocation of business registration or the suspension of business operations pursuant to paragraph (1) shall notify the contracting authority of the relevant details without delay. *<Newly Inserted on Mar. 28, 2023>*
- (7) A forestry technology service provider may continue to perform its duties for which a contract was concluded before the business registration is revoked or business operations are suspended under paragraph (1). In such cases, the forestry technology service provider shall be deemed a forestry technology service provider until he or she completes the relevant duties. *<Newly Inserted on Mar. 28, 2023>*
- (8) Notwithstanding the former part of paragraph (7), a forestry technology service provider shall not continue to perform its duties in any of the following cases: *<Newly Inserted on Mar. 28, 2023>*
1. Where the contracting authority terminates the relevant contract for duties within 30 days from the date of receiving a notice under paragraph (6) or from the date of becoming aware of the relevant disposition;
 2. Where a forestry technology service provider fails to obtain consent to the continuous performance of duties from the contracting authority within 30 days from the date of disposition of the revocation of business registration or the suspension of business operations;

3. Where the registration of business is revoked pursuant to the proviso, with the exception of the subparagraphs, of paragraph (1).

(9) Matters necessary for the detailed criteria, etc. for a disposition to revoke the business registration, to suspend business operations, or to cancel the business registration under paragraphs (1) through (3) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs; and the amount of penalty surcharges based on the types, details, and severity of violations subject to the penalty surcharges under paragraph (4) and other necessary matters shall be prescribed by Presidential Decree. <Amended on Mar. 28, 2023>

Article 19 (Succession of Status of Forestry Technology Service Providers)

(1) Where a forestry technology service provider transfers all or part of his or her forestry technology service business or deceases or where a corporate forestry technology service provider merges with another corporate forestry technology service provider, the status of the forestry technology service provider shall be succeeded by the transferee, heir, or corporation surviving the merger or newly established by the merger (hereinafter referred to as “transferee, etc.”).

(2) A person who succeeds the status of the forestry technology service provider pursuant to paragraph (1) shall report such fact to the Minister of the Korea Forest Service within 30 days from the date on which the relevant cause occurs as provided by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

Article 20 (Succession to Effects of Administrative Dispositions)

(1) Where the status of a forestry technology service provider is succeeded pursuant to Article 19 (1), the effect of any administrative disposition imposed under Article 18 (1) on the forestry technology service provider shall be succeeded by the transferee, etc. until the term of the disposition expires.

(2) Where the status of a forestry technology service provider is succeeded pursuant to Article 19 (1) and the proceedings for any administrative disposition imposed on the forestry technology service provider are pending, such proceedings may continue with respect to the transferee, etc.: Provided, That the foregoing shall not apply where the transferee, etc. proves that such transferee, etc. was unaware of such disposition or violation as at the time of the transfer or merger.

(3) A person who becomes subject to an administrative disposition or is undergoing the proceedings of an administrative disposition shall without delay notify such fact to the transferee, etc. as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

Article 21 (Standards for Forestry Technology Service Fees)

Where forestry technology service is provided by a forestry technology service provider, the contracting authority shall pay the service fee calculated according to the standards for calculating forestry technology service fees determined and publicly notified by the Minister of the Korea Forest Service.

Article 22 (Guidance to and Supervision of Forestry Technology Service Providers)

(1) The Minister of the Korea Forest Service shall guide and supervise forestry technology service providers regarding the performance of duties.

(2) The Minister of the Korea Forest Service may require any forestry technology service provider to report on the duties or order the submission of relevant data or to have a public official of the Korea Forest Service visit and inspect the office, place of business, etc. of a forestry technology service provider where deemed necessary for guidance and supervision under paragraph (1).

(3) Any public official who conducts inspection under paragraph (2) shall carry a certificate indicating the authority and present such certificate to relevant persons.

CHAPTER V QUALITY AND SAFETY MANAGEMENT OF FOREST PROJECTS

Article 23 (Management of Performance of Forest Projects)

(1) Where a forestry technology service provider or a forest project implementer intends to obtain recognition for the results, etc. of performing a forest project, the necessary matters therefor shall be reported to the Minister of the Korea Forest Service.

(2) The Minister of the Korea Forest Service in receipt of the report under paragraph (1) shall retain and manage the records on the results, etc. of the forest project; and shall issue a certificate on the results of the forest project (hereinafter referred to as "forest business performance certificate") upon application by the forestry technology service provider or forest project implementer, unless there is a compelling reason not to do so.

(3) A forestry technology service provider or forest project implementer shall not make a false report regarding the results, etc. of the forest project when filing a report pursuant to paragraph (1).

(4) The details, procedures, documents to be submitted, and other necessary matters for issuing forest project performance certificates shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

Article 24 (Assessment of Poor Performance of Forest Projects)

(1) Where any of the following persons causes damage to the contracting authority by unconscientiously conducting forestry technology service business or forest project implementation business, the Minister of the Korea Forest Service, the head of a local government, or the contracting authority shall assess the degree of poor performance and impose demerit points accordingly:

1. A forestry technology service provider;
2. A forest project implementer;

3. A forest engineers employed by a forestry technology service provider or forest project implementer.
- (2) Where any person who receives demerit points pursuant to paragraph (1) makes a bid, the contracting authority shall be permitted to provide disadvantageous treatment to such person in consideration of the demerit points imposed.
- (3) The head of the local government or the contracting authority that imposes demerit points pursuant to paragraph (1) shall report details of such imposition to the Minister of the Korea Forest Service; and the Minister of the Korea Forest Service shall comprehensively manage the imposed demerit points and disclose the demerit points imposed on the persons provided in the subparagraphs of paragraph (1).
- (4) Where there is a risk of poor performance of a forest project due to forest engineers failing to perform the duties conscientiously, the contracting authority shall issue a corrective order to such forest engineers or take other necessary actions as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs and report the results thereof to the Minister of the Korea Forest Service.
- (5) Matters necessary for the target and criteria for assessing the degree of poor performance, the details of disadvantages, and the subject, methods, timing, procedures, management, etc. of disclosure of demerit points under paragraphs (1) through (3) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

Article 25 (Placement of Forest Engineers)

- (1) A forestry technology service provider or forest project implementer shall place at least one forest engineer, etc. at the site of a forest project to improve the quality of the forest project as prescribed by Presidential Decree: Provided, That the foregoing shall not apply when the contracting authority grants approval in writing on the ground that the relevant forest project meets the requirements prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, including suspension of the relevant project for a certain period of time, without any risk of causing obstacles in ensuring proper management, quality and safety of the relevant forest project. <Amended on May 26, 2020>
- (2) A forest engineer, etc., assigned to the site of the forest project under paragraph (1) shall not leave the forest project site without obtaining approval of the contracting authority without good cause.
- (3) Where the contracting authority deems that a forest engineer, etc. assigned to the forest project site pursuant to paragraph (1) is unable to perform the duties due to physical or mental disabilities, the contracting authority may request that the forest project implementer replace the relevant forest engineer. In such cases, the forest project implementer shall comply with such request unless there is good cause.

Article 26 (Safety Management of Forest Projects)

- (1) The contracting authority, forestry technology service provider and forest project implementer shall endeavor to manage the safety of a forest project.
- (2) A forest project implementer shall formulate the safety management plan of a forest project (hereinafter referred to as “safety management plan”) that includes safety inspections and safety

management organizations to ensure the safety of the forest project and submit such plan to the contracting authority for approval.

(3) A forest project implementer shall conduct a safety inspection according to the safety management plan. In such cases, a forest engineer hired by the forest project implementer to conduct the safety inspection shall conscientiously perform the duties according to the safety management plan.

(4) Matters necessary for the scope of forest projects for which a safety management plan shall be formulated; the standards and procedures for formulating a safety management plan; and the timing, methods, fees, etc. of safety inspections shall be prescribed by Presidential Decree.

(5) Where a forest project implementer has formulated a safety management plan pursuant to paragraphs (2) through (4) and completed the construction of the forest project that has received safety inspection, the forest project implementer shall prepare and submit to the contracting authority a comprehensive report on safety inspection (hereinafter referred to as "comprehensive report") according to the methods and procedures prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

(6) The contracting authority shall retain and manage the submitted comprehensive reports as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

Article 27 (Safety Education of Forest Projects)

(1) A forest project implementer shall have a safety general manager responsible for managing the safety of a forest project and a safety officer responsible for safety management by field to manage the safety of the forest project; and shall provide safety education to those engaged in the forest project implementation business.

(2) The composition and duties of a safety management organization under paragraph (1), the timing for and method of conducting safety education, and other necessary matters shall be prescribed by Presidential Decree.

CHAPTER VI SUPPLEMENTARY PROVISIONS

Article 28 (Fees)

Any of the following persons shall pay a fee as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs:

1. A person who applies for the issuance or re-issuance of a forest engineer qualification certificate pursuant to Article 9 (1) through (3);
2. A person who applies for the issuance of a career certificate in forestry technology pursuant to Article 10 (2);
3. A person who intends to file for registration of a forestry technology service business or registration of modification pursuant to Article 15 (1) or (4);

4. A person who applies for the issuance of a forest project performance certificate pursuant to Article 23 (2).

Article 29 (Hearings)

The Minister of Health and Welfare shall hold hearings, when he or she intends to impose any of the following dispositions: *<Amended on Jun. 15, 2021>*

1. Revoking the designation as a specialized institution for forestry technology development under Article 4 (6);
2. Revoking the designation of an educational institution provided in Article 7 (4);
3. Revoking the qualification of a forest engineer provided in Article 12 (1);
4. Revoking the registration of a forestry technology service business provided in Article 18 (1).

Article 30 (Delegation and Entrustment of Authority)

(1) The authority of the Minister of the Korea Forest Service under this Act may be partially delegated to the heads of affiliated institutions or to the Special Metropolitan City Mayor, a Metropolitan City Mayor, the Special Self-Governing City Mayor, a Do Governor, or the Special Self-Governing Province Governor (hereinafter referred to as "Mayor/Do Governor") as prescribed by Presidential Decree.

(2) The duties of the Minister of the Korea Forest Service or a Mayor/Do Governor under this Act may be partially entrusted to public institutions provided in the Act on the Management of Public Institutions, the Engineer Association, or any other institution or organization related to forestry technology service or forest project implementation.

CHAPTER VII PENALTY PROVISIONS

Article 31 (Penalty Provisions)

(1) Any of the following persons shall be punished by imprisonment with labor for not more than one year or by a fine of not exceeding 10 million won: *<Amended on May 26, 2020>*

1. Any of the following persons who has violated Article 11:
 - (a) A person who has permitted another person to engage in the forestry technology service business or forest project implementation business using the name of such person or lent the qualification certificate of a forest engineer to another person;
 - (b) A person who has engaged in the forestry technology service business or forest project implementation business using another person's name or borrowing another person's qualification certificate as a forest engineer;
 - (c) A person who has arranged any act provided in item (a) or (b);
 - (d) A person who is simultaneously employed by at least two companies required to employ qualified forest engineers, including the forestry technology service business;

2. A person who has engaged in the forestry technology service business without having the forestry technology service business registered under Article 15 (1);
 3. A person who has permitted another person to use the trade name or name to engage in the forestry technology service business or lent the registration certificate in violation of Article 15 (5);
 4. A person who has arranged any act provided in subparagraph 3 or used another person's registration certificate in violation of Article 15 (6).
- (2) Any person who has undertaken the design or supervision in violation of Article 17 (2) shall be punished by a fine of not exceeding five million won.

Article 32 (Joint Penalty Provisions)

Where the representative of a corporation or an agent or employee of, or any other person employed by a corporation or an individual commits any violations described in Article 31 with respect to affairs of the corporation or individual, the corporation or individual shall, in addition to punishing the violators accordingly, be punished by a fine prescribed in the relevant Article: Provided, That the foregoing shall not apply where the corporation or individual was not negligent in paying due attention and supervision regarding the relevant affairs to prevent such violation.

Article 33 (Administrative Fines)

- (1) The following persons shall be punished by an administrative fine not exceeding one million won:
1. A person who has given disadvantageous treatment to a forest engineer in violation of Article 7 (3);
 2. A person who has failed to submit data or submitted false data in violation of Article 10 (3);
 3. A person who has made a false report or false modification report with regard to his or her career, etc. in violation of Article 10 (4);
 4. A person who has failed to report a change to any significant matter registered for the forestry technology service business or the suspension or closure of the forestry technology service business within the relevant period in violation of Article 15 (4);
 5. A person who has failed to comply with the demand for correction, reconstruction or suspension in violation of Article 17 (3) or (4);
 6. A person who has failed to inform a transferee, etc. of the fact that the person has received an administrative disposition or is undergoing the proceedings of an administrative disposition in violation of Article 20 (3);
 7. A person who has refused, obstructed, or evaded the submission of a report or data or inspection under Article 22 (2);
 8. A person who has submitted a false report on the performance results, etc. of a forest project in violation of Article 23 (3);
 9. A person who has refused, obstructed, or evaded the assessment of poor performance under Article 24 (1);

10. A forest engineer, etc. who has left the site of a forest project without obtaining approval of the contracting authority in violation of Article 25 (2);
 11. A person who has failed to formulate a safety management plan under Article 26 (2) or who has failed to conduct a safety inspection under paragraph (3) of that Article.
- (2) An administrative fine under paragraph (1) shall be imposed and collected by the Minister of the Korea Forest Service or a Mayor/Do Governor as prescribed by Presidential Decree.

ADDENDA <Act No. 15080, Nov. 28, 2017>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation.

Article 2 (General Transitional Measures concerning Dispositions)

Any act conducted by or regarding an administrative agency under the previous provisions as at the time this Act enters into force shall be deemed an act conducted by or regarding an administrative agency corresponding thereto under this Act.

Article 3 (Transitional Measures concerning Penalties and Administrative Fines)

The previous provisions shall apply to penalties or administrative fines for any violation committed before this Act enters into force.

Article 4 (Transitional Measures concerning Forest Engineers)

Any person issued a forest engineer qualification certificate under Article 30 of the Creation and Management of Forest Resources Act as at the time this Act enters into force shall be deemed to have been issued a forest engineer qualification certificate under Article 9 (2).

Article 5 Omitted.

Article 6 (Relationship to Other Statutes or Regulations)

Where any relevant provision of the Creation and Management of Forest Resources Act is cited by other statutes or regulations as at the time this Act enters into force, the relevant provision of this Act shall be deemed cited in lieu of such previous provision if any provision corresponding thereto exists in this Act.

ADDENDUM <Act No. 17319, May 26, 2020>

This Act shall enter into force on the date of its promulgation.

ADDENDUM <Act No. 18261, Jun. 15, 2021>

This Act shall enter into force six months after the date of its promulgation.

ADDENDA <Act No. 19287, Mar. 28, 2023>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.

Article 2 (Applicability to Performance of Duties by Forestry Technology Service Providers Subject to Revocation of Business Registration or Suspension of Business Operations)

The amended provisions of Article 18 (4) through (9) shall begin to apply to persons who are imposed a disposition of the revocation of business registration or the suspension of business operations after this Act enters into force.

Last updated : 2023-10-12

